



United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
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December 21, 2010

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
Franklin Court Building
1099 14th Street, NW
Washington, DC 20570

Re: Trump Plaza Associates d/b/a
Trump Plaza Hotel & Casino
Case 4-CA-36217

Dear Mr. Heltzer:

Attached please find Counsel for the Acting General Counsel's Motion for Modification of Board Decision and Order in the above-referenced matter. Copies of the subject document have been served on this day to the parties listed below by email.

Very truly yours,

JENNIFER RODDY SPECTOR
Counsel for the General Counsel

cc:

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

TRUMP PLAZA ASSOCIATES D/B/A
TRUMP PLAZA HOTEL AND CASINO

and

Case 4-CA-36217

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE &
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA, AFL-CIO

**COUNSEL FOR THE GENERAL COUNSEL'S
MOTION FOR MODIFICATION OF BOARD DECISION AND ORDER**

Pursuant to Section 102.49 of the Board's Rules and Regulations, the undersigned Counsel for the General Counsel seeks modification of the Board's Decision and Order issued in the above-captioned matter on December 13, 2010 (356 NLRB No. 53). In support of the Motion, Counsel for the General Counsel submits the following:

Pursuant to the Board's Decision, Certification of Representative, and Notice to Show Cause in Cases 4-CA-36217 and 4-RC-21263, which is reported at 355 NLRB No. 2020 (2010), the Acting General Counsel filed an amended complaint in Case 4-CA-36217 and the Respondent filed an answer to the amended complaint. The Acting General Counsel filed a supplemental memorandum in support of his Motion for Summary Judgment, and the Respondent filed a response to the Board's Notice to Show Cause.

In par. 2(d) of the amended complaint, the Acting General Counsel alleged as follows:


Since on or about February 17, 2009, Respondent has been a debtor-in-possession with full authority to continue its operations and to exercise all powers necessary to administer its business (United States Bankruptcy Court for the District of New Jersey, Chapter 11, Case No.: 09-13654 (JHW)).

Respondent admitted the allegations of par. 2(d) in its amended answer. Accordingly, Counsel for the General urges a modification of the Board's Decision and Order, including: a) a modification of the caption of the case to refer to Respondent's status as a Debtor-in-Possession, b) a modification of the Board's Findings of Fact with respect to Jurisdiction which makes reference to Respondent's status as a Debtor-in-Possession, and c) a modification of the Board's Order and Appendix to refer to the Respondent as a Debtor-in-Possession.

Based on the absence of any discussion by the Board addressing the omission of that language in its Decision and Order, Counsel for the General Counsel urges a modification of the Board's Decision and Order to include Respondent's current status as a Debtor-in-Possession.

Respectfully submitted,

DATED: December 21, 2010


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